

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN
MADISON DIVISION**

Milton Boyer and Kathy Boyer,

Plaintiffs,

v.

Weyerhaeuser Co., et al.,

Defendants.

Case No. 14-cv-286

PLAINTIFFS' MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

Plaintiffs move the court for leave to file their First Amended Complaint, pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 15(a)(2).¹ In support of this motion plaintiffs state as follows:

1. Plaintiffs filed the initial complaint in this case on April 18, 2014.
2. Defendant Weyerhaeuser Company filed a Motion to Dismiss this case on April 30, 2014.
3. Weyerhaeuser Company filed substantially similar Motions to Dismiss in the cases of *Masephol* (14-cv-186), *Pecher* (14-cv-147), and *Sydow* (14-cv-219), and a similar Motion for Judgment in *Seehafer* (14-cv-161).
4. Defendant Owens-Illinois filed a Motion to Dismiss this case on May 13, 2014.
5. Owens-Illinois filed substantially similar Motions to Dismiss in *Masephol* and *Seehafer*.
6. In an attempt to standardize responses to these motions, plaintiffs have been amending their complaints to have similar language.
7. Plaintiffs now move for leave to amend their complaint to conform to the other complaints so that plaintiffs' response to Weyerhaeuser's motion parallels other responses being drafted.

¹ Plaintiffs file their proposed Amended Complaint as an attachment to this motion.

8. This would serve the purpose of securing "the just, speedy, and inexpensive determination" of this action. Fed. R. Civ. P. 1.
9. The above reasons constitute good cause to allow plaintiff to amend their complaint and include the new defendants and cause of action. Fed. R. Civ. P. 15(a)(2) provides that "[A] party may amend its pleading... with... the court's leave." and that "The court should freely give leave to amend when justice so requires."

Relief Requested

Plaintiffs respectfully request leave to file their Amended Complaint, *instantly*.

Dated: May 30, 2014

Respectfully submitted,

/s/ Robert G. McCoy
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